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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No.: 07-0328 MHP
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING
v.)	<u>AND EXCLUDING TIME</u>
)	
ERNESTO R. RODRIGUEZ,)	
)	
Defendant.)	

On May 25, 2007, the government filed an Information charging Ernesto R. Rodriguez with Abusive Sexual Contact, and the parties in this case appeared that same day before the Magistrate Court for an arraignment and waiver of Indictment. At that time, the Court set a date before the Honorable Marilyn Hall Patel on Monday, June 4, 2007, at 10:00 a.m. for a trial setting. The parties in this case have worked diligently at coming to a pre-indictment resolution to this matter. It is fully expected that a guilty plea will be entered at the next hearing, however it appears that there are a few small points to iron-out. The parties hereby jointly and respectfully request the court to continue the hearing currently scheduled for June 4, 2007, at 10:00 a.m., to June 11,

2007, at 10:00 a.m., and set it for a change of plea hearing. During this time counsel for the government will be unavailable, conducting a trial in Eureka, California that is scheduled to last from June 4, 2007 through June 8, 2007.

The parties further stipulate that time should be excluded from the Speedy Trial Act calculations from June 4, 2007, to and including June 11, 2007, pursuant to Title 18, United States Code, Section 3161. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. The parties represent that granting the continuance is the reasonable time necessary for continuity of defense and government counsel and effective preparation of defense and government counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

SCOTT N. SCHOOLS
United States Attorney

DATED: 5/29/2007 _____

/s/ Derek Owens

DEREK OWENS
Special Assistant United States Attorney

DATED: 5/30/2007 _____

/s/ Gayle Gutekunst

GAYLE GUTEKUNST
ROBERT M. AMPARAN
Attorneys for Enrique Rodriguez

For the reasons stated above, the Court orders the June 4, 2007 hearing for this matter continued to June 11, 2007, at 10:00 a.m. before the Honorable Marilyn Hall Patel. Also for the reasons stated above, the Court finds that an exclusion of time from June 4, 2007, to and including June 11, 2007, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny the government and Mr. Rodriguez continuity of counsel and would deny defense counsel the reasonable time necessary

1 for effective preparation, taking into account the exercise of due diligence, and would result in a
2 miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

3 SO ORDERED.

4 DATED: _____

5 THE HON. MARILYN HALL PATEL
6 United States District Court Judge
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